

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

January 27, 2003

The REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL was held on Monday, January 27, 2003, at 7:07 p.m., in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor-Chairman; Mr. William E. Crosby, Council Member District No. 3 and Vice Chairman of County Council; Mr. Milton Farley, Council Member District No. 1; Ms. Judith K. Spooner, Council Member District No. 2; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. Steve C. Davis, Councilmember District No. 8; Ms. Nicole S. Ewing, Deputy County Attorney, and Ms. Barbara B. Austin, Clerk of County Council.

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the entrance of the County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina and the Berkeley County Library, and mailed to the newspaper, radio stations, television stations, concerned citizens and posted electronically.

Chairman Rozier called the meeting to order.

APPROVAL OF MINUTES:

Chairman Rozier asked for approval of minutes from Public Hearings Bills Numbered: 02-56, 02-57, 02-58, 02-59, 02-61, 02-62, 02-63 and 02-64 held on December 16, 2002; also, Regular Council Meeting held on December 16, 2002.

It was moved by Councilmember Crosby and seconded by Councilmember Farley to approve the minutes as presented. The motion was passed by a unanimous voice vote of Council.

PUBLIC DISCUSSION:

Dr. Keith Flynn, addressed Council in regard to the Oakley Plantation House, an 1858 Antebellum, pre-civil war structure. And reminded Council the House came into the possession of Berkeley County as a part of the new landfill property. He also was aware that the County would like to save the house but there were legal issues involved.

Dr. Flynn indicated that he confirmed the house was built in 1858 through a 1847 Bible located through descendants of the family and further stated he had obtained a copy of the original deed from Charleston County.

Dr. Flynn addressed removing the house from the property and that the Historical Society was very interested in the house because it was one of the only ones of this kind they knew of in the County.

Chairman Rozier stated he has expressed more than one time not to do anything to the house until all efforts had been exhausted to remove it and have it preserved for history. There is that concern in regard to liability. Berkeley County is not covered for non-county employees coming in and dealing with the house. He asked Dr. Flynn if he had found any way to insure the property?

Dr. Flynn explained they are looking for an individual who has an insurance policy to cover this endeavor. He has spoken with a gentleman that may be able to put a policy in place. At which time he may have to have this person under contract and he would have to purchase the home under bid. Dr. Flynn explained that if he placed a bid on the property he would also have to own the million-dollar policy.

Chairman Rozier explained that it was never the County's goal to again any financial benefit from the sale of the home.

Councilmember Crosby expressed that he supported Dr. Flynn's efforts to obtain the home, but that he was concerned with the liability to the County as well. He asked did the policy have to be \$1,000,000?

Dr. Flynn stated just having a policy was an issue. He thinks he might be able to find a contractor or sub-contractor who will sign on and allow him to work through their policy. It is difficult to find an individual to agree to those terms.

Chairman Rozier asked David Jennings, Attorney for Berkeley County Water and Sanitation Authority, if the bid process would have to be started over again?

Mr. Jennings stated legally he was willing to salvage the process at this point and not start it over again. He was willing to defend the County if anyone were to file suit for not starting the process over.

Chairman Rozier asked Dr. Flynn about the extension needed to allow him an appropriate time to remove the home?

Dr. Flynn said that it should take no more than 30 to 60 days, provided he can put someone in place that can provide insurance. Dr. Flynn stated he could store the structure on his farm in Ladson.

Chairman Rozier stated a 60-day extension would be in order to allow Dr. Flynn time to obtain the needed policy and determine a time frame of when the house could be removed from the property. Chairman Rozier indicated that during the next 60-days no one should be allowed on the property without Water and Sanitation being advised, including Dr. Flynn.

Mr. Jennings explained that no one is allowed around the structure without an employee of Water and Sanitation in attendance.

EXECUTIVE SESSION:

Chairman Rozier stated an Executive Session was needed to discuss matters relating to the proposed location, expansion, of the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advise where the legal advise relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to enter into Executive Session for reasons stated. The motion was passed by a unanimous voice vote of Council.

Berkeley County Council entered into Executive Session at 7:28 p.m. and returned at 8:38 p.m.

Ms. Nicole S. Ewing, Deputy County Attorney, reported that Berkeley County Council went into Executive Session for the reasons stated in the motion. No formal action was taken.

THIRD READING:

“BILL NO. 02-54, AN ORDINANCE TO AMEND SECTION II OF ORDINANCE NO. 99-7-41 REGARDING PERMITS, FEES, INSPECTIONS, AND LICENSES; TO AMEND SECTION IV OF ORDINANCE NO. 99-7-41 REGARDING THE MAXIMUM PENALTY FOR VIOLATIONS OF THE BUILDING CODE.”

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to adopt **Bill No. 02-54** on Third and Final Reading. The motion was passed by majority voice vote of Council. Councilmember Steve Davis and Councilmember Pinckney voted “Nay.” (A copy of Ordinance No. 03-01-01 is attached to these minutes.)

“BILL NO. 02-65, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO RECLASSIFICATION OF APPROVED USES FOR TMS #263-00-03-032.”
Andrae for Cox & Easterby

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to adopt **Bill No. 02-65** on Third and Final Reading. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-01-02 is attached to these minutes.)

“BILL NO. 02-66, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO RECLASSIFICATION OF APPROVED USES FOR TMS #221-16-01-017.”
(Hampton)

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to adopt **Bill No. 02-66** on Third and Final Reading. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-01-03 is attached to these minutes.)

“BILL NO. 02-67, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO RECLASSIFICATION OF APPROVED USES FOR TMS #210-00-00-076.”
(Matthews)

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to adopt **Bill No. 02-67** on Third and Final Reading. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-01-04 is attached to these minutes.)

“BILL NO. 02-68, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO RECLASSIFICATION OF APPROVED USES FOR TMS #175-00-01-054.”
(Capers)

It was moved by Councilmember Spooner and seconded by Councilmember Fish to adopt **Bill No. 02-68** on Third and Final Reading. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-01-05 is attached to these minutes.)

“BILL NO. 02-69, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO RECLASSIFICATION OF APPROVED USES FOR TMS #184-00-00-014.”
(Villeponteaux)

It was moved by Councilmember Spooner and seconded by Councilmember Mims to adopt **Bill No. 02-69** on Third and Final Reading. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-01-06 is attached to these minutes.)

Berkeley County Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

It was moved by Councilmember Mims and seconded by Councilmember Steve Davis for all Bills for Second reading to be read collectively. The motion was passed by unanimous voice vote of Council.

“BILL NO. 02-70, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO RECLASSIFICATION OF APPROVED USES FOR TMS #211-00-02-075 AND 211-00-02-062.” (Patillo Construction Company, Inc.)

“BILL NO. 02-71, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO RECLASSIFICATION OF APPROVED USES FOR TMS #234-00-00-011 AND 234-00-00-136.” (Mt. Holly Associates, LLC)

“BILL NO. 02-72, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO RECLASSIFICATION OF APPROVED USES FOR TMS #161-00-02-076.” (Berkeley Investments Company, Inc.)

“BILL NO. 02-73, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO RECLASSIFICATION OF APPROVED USES FOR TMS #210-00-00-047.” (Berkeley Industrial Developers)

“BILL NO. 02-74, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO RECLASSIFICATION OF APPROVED USES FOR TMS #123-00-02-030.” (Mitchum)

“BILL NO. 02-77, AN ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH ORANGEBURG COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN BERKELEY AND ORANGEBURG COUNTIES AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS OF 1976 §4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH ORANGEBURG COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX TO THE COUNTIES AND RELEVANT TAXING ENTITIES; AND, TO PROVIDE THAT JOBS TAX CREDITS ALLOWED BY LAW BE PROVIDED FOR INDUSTRIES LOCATING IN SAID PARK, AND TO PERMIT A USER FEE IN LIEU OF AD VALOREM TAXATION.”

“BILL NO. 02-78, AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$35,850,000 PRINCIPAL AMOUNT BERKELEY COUNTY, SOUTH CAROLINA POLLUTION CONTROL REFUNDING REVENUE BONDS (SOUTH CAROLINA GENERATING COMPANY, INC. PROJECT), PURSUANT TO CHAPTER 3,

TITLE 48, VOLUME 16, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT, A BOND TRUST INDENTURE, A BOND PURCHASE AGREEMENT, A TAX COMPLIANCE AGREEMENT AND OTHER DOCUMENTS RELATED THERETO IN CONNECTION THEREWITH; APPROVING THE EXECUTION AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AUTHORIZING THE PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE IN CONNECTION WITH THE FOREGOING; AND OTHER MATTERS INCIDENTAL THERETO.”

It was moved by Councilmember Mims and seconded by Councilmember Crosby to approve **Bills Numbered 02-70, 02-71, 02-72, 02-73, 02-74, 02-77 and 02-78** for Second Reading. The motion passed by unanimous voice vote of Council.

FIRST READING:

“**BILL NO. 03-1**, AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF WATER AND SEWER SYSTEM REVENUE BONDS OF BERKELEY COUNTY, SOUTH CAROLINA; PRESCRIBING THE FORM OF BONDS; LIMITING THE PAYMENT OF THE BONDS SOLELY TO THE NET REVENUES DERIVED FROM THE OPERATION OF THE SYSTEM AND PLEDGING THE REVENUES TO SUCH PAYMENT; CREATING CERTAIN FUNDS AND PROVIDING FOR PAYMENTS INTO SUCH FUNDS; AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING.”

“**BILL NO. 03-2**, FIRST SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BERKELEY COUNTY, SOUTH CAROLINA, WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2003, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$130,000,000; PRESCRIBING THE FORM AND DETAILS OF SUCH BONDS; AND OTHER MATTERS RELATING THERETO.”

“**BILL NO. 03-3**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO RECLASSIFICATION OF APPROVED USES OF TMS #197-00-02-022 AND 026.” (O’Neill)

“**BILL NO. 03-4**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO RECLASSIFICATION OF APPROVED USES OF TMS #242-04-01-047.” (Thielen)

“**BILL NO. 03-5**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO RECLASSIFICATION OF APPROVED USES OF TMS #087-00-07-025 AND 086.” (Lewis, Jr.)

“BILL NO. 03-6, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO RECLASSIFICATION OF APPROVED USES OF TMS #164-00-02-045.”
(Mead)

RESOLUTION:

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2002-2003 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Councilmember Crosby and seconded by Councilmember Fish to adopt the Resolution as presented. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-01 is attached to these minutes.)

“RESOLUTION FURTHER ESTABLISHING POLICIES FOR THE USE OF CREDIT CARDS, FINANCIAL INSTITUTION ACCOUNTS, AND FINANCIAL SERVICES BY COUNTY EMPLOYEES AND ELECTED AND APPOINTED OFFICIALS.”

It was moved by Councilmember Fish and seconded by Councilmember Crosby to adopt the Resolution as presented. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-02 is attached to these minutes.)

“RESOLUTION FURTHER CLARIFYING THE COUNTY POLICY REGARDING TRAVEL AND EXPENSE REIMBURSEMENT FOR ELECTED OFFICIALS.”

Chairman Rozier indicated that an FOI (freedom of information) request had been submitted regarding this resolution.

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to adopt the Resolution as presented. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-03 is attached to these minutes.)

“RESOLUTION TO APPOINT AND COMMISSION AN ADDITIONAL CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY, GENERAL WELFARE, AND CONVENIENCE OF BERKELEY COUNTY.”

Chairman Rozier explained that this was not an additional position, but was filling a vacant position.

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to adopt the Resolution as presented. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-04 is attached to these minutes.)

“RESOLUTION DESIGNATING SURPLUS PROPERTY OF BERKELEY COUNTY AND AUTHORIZING THE DISPOSAL OF THE SURPLUS PROPERTY.”

It was moved by Councilmember Crosby and seconded by Councilmember Pinckney to adopt the Resolution as presented. The motion was passed by unanimous voice vote of Council.

WITHOUT OBJECTION:

“RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT BETWEEN SANTEE PROPERTIES, LLC AND BERKELEY COUNTY FOR THE PREMISES LOCATED AT 1104 SOUTH MAIN STREET, ST. STEPHENS, SOUTH CAROLINA.”

Chairman Rozier explained that this was for the move of the St. Stephen’s Library, which Council had already approved.

It was moved by Councilmember Spooner and seconded by Councilmember Mims to adopt the Resolution as presented. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-08 is attached to these minutes.)

REPORTS FROM STANDING COMMITTEES:

COMMITTEE ON FINANCE, Councilmember Dennis L. Fish, Chairman.

Councilmember Fish reported the Committee met on January 13, 2003. All matters before the Committee had been taken care of on tonight’s agenda.

COMMITTEE ON LAND USE, Councilmember Milton Farley, Chairman.

Councilmember Farley reported the Committee met on January 13th and earlier tonight. All matters before the Committee had been taken care of on tonight’s agenda.

COMMITTEE ON PUBLIC WORKS AND PURCHASING, Councilmember Caldwell Pinckney, Chairman.

Councilmember Pinckney reported the Committee met on January 13th and earlier tonight. Several of the items before the Committee had been taken care of on tonight’s agenda.

It was moved by Councilmember Pinckney upon recommendation of the Committee on Public Works and Purchasing to award the contract for the 2003 Master Water Plan to **Engineering Resources Corporation (ERC)** in the amount of \$49,990. (No Second Required) The motion passed by unanimous voice vote of Council.

It was moved by Councilmember Pinckney upon recommendation of the Committee on Public Works and Purchasing to grant a sole source purchase for the Sheriff’s Department for

Video Surveillance Equipment from **Intergraph Solutions Group**. (No Second Required) The motion passed by unanimous voice vote of Council.

Councilmember Pinckney stated that Mr. Frank Carson, Berkeley County Engineer, provided the Committee with an update and recommendations in regard to NPDES Storm Water Phase II.

It was moved by Councilmember Pinckney upon recommendation of the Committee on Public Works and Purchasing to authorize the County Supervisor to submit recommended comments to SC DHEC on the draft general NPDES permit by January 30, 2003. (No Second Required) The motion passed by unanimous voice vote of Council.

COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Councilmember Judy C. Mims, Chairman.

Councilmember Mims reported the Committee met on January 13, 2003. All matters before the Committee had been taken care of on tonight's agenda.

COMMITTEE ON WATER AND SANITATION, Councilmember Steve C. Davis, Chairman.

Councilmember Steve Davis reported the Committee met on January 13, 2003. All items on the agenda were rescheduled for a meeting to be held on February 10, 2003. Councilmember Steve Davis thanked Councilmembers for postponing their Committee meetings in order to have the up coming meeting on February 10th.

COMMITTEE ON PLANNING AND DEVELOPMENT, Councilmember Charles E. Davis, Chairman.

Councilmember Charles Davis reported the Committee met on January 13, 2003. All matters before the committee had been taken of on tonight's agenda.

COMMITTEE ON COMMUNITY SERVICES, Councilmember Judith K. Spooner, Chairman.

Councilmember Spooner reported the Committee met on January 13, 2003.

Ms. Colleen Carney, Berkeley County Library Director, introduced Mrs. Ellen Berry with the Friends of the Library who provided the Committee with an update as to the functions of the Friends of the Library. Councilmember Farley has been a member of The Friends for the past five (5) years. Councilmember Spooner stated she had rejoined and encouraged other Councilmembers to join.

Also, Ms. Carney provided the Committee with an update in regard to Federal and State Funding, which involved ongoing cuts to our County Library System.

It was moved by Councilmember Spooner upon recommendation of the Committee on Community Services to authorize the County Supervisor to write a letter in support of the Library Services Technology Act. (No Second Required) The motion was passed by unanimous voice vote of Council.

COMMITTEE ON HUMAN SERVICES, Councilmember William E. Crosby, Chairman.

Councilmember Crosby reported the Committee met on January 13, 2003. All matters before the Committee had been taken care of on tonight's agenda.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Councilmember Mims nominated Mr. Oliver Buckles to the Accommodations Tax Advisory Commission to fill the Cultural position.

Chairman Rozier asked the Clerk to confirm whether this board consisted of eight (8) or seven (7) members?

Councilmember Steve Davis re-nominated Mr. Johnny R. Forte to the Accommodations Tax Committee.

Councilmember Mims re-nominated Ms. Judy Ash to the Berkeley County Aeronautics Commission.

Councilmember Crosby nominated Ms. Helen Connors to the Goose Creek Recreation Commission.

Councilmember Charles Davis re-nominated Mr. James Sineath to the Berkeley County Aeronautics Commission. He also re-nominated Mr. Richard C. Poyns to Berkeley County Board of Zoning and Appeals.

Councilmember Pinckney re-nominated Mr. Samuel Middleton to the Berkeley County Aeronautics Commission. And to the Berkeley County Planning Commission he re-nominated Ms. Lynn Hoover. He also, re-nominated Mr. Harold Jefferson to the Berkeley County Board of Zoning and Appeals.

Councilmember Steve Davis re-nominated Mr. Ernest R. Cercopely to the Berkeley County Board of Zoning and Appeals. He also nominated Mr. Issac Presley to the Berkeley County Water and Sanitation Appeals Board. To the Berkeley County Planning Commission he nominated Mr. Henry Richardson.

Chairman Rozier stated that legal advice may be needed regarding the nomination of Mr. Henry Richardson because it may be dual office holding. He asked if Councilmember Steve Davis would hold that nomination until next month?

Councilmember Steve Davis agreed to do so.

Councilmember Steve Davis nominated Mr. Jerome Ravenal to the Berkeley County Aeronautics Commission.

Chairman Rozier stated this was another instance where legal advice would be required, due to dual office holding.

Councilmember Farley re-nominated Mr. Anthony M. Austin to the Construction Board of Adjustment and Appeals.

Councilmember Mims re-nominated Mr. Mark Carter to the Berkeley County Planning Commission. To the Berkeley County Water and Sanitations Appeals Board she re-nominated Mr. Wes W. Blanchard. And to the Construction Board of Adjustment and Appeals, she re-nominated Mr. Robert (Bobby) Davis.

Councilmember Crosby re-nominated Mr. Wayne Ahl and Mr. Willard M. Hill, Jr. to the Construction Board of Adjustment and Appeals.

Councilmember Dennis L. Fish re-nominated Mr. Hank Osborne to the Berkeley County Aeronautics Commission. He also nominated Mr. John Ewing to the Devon Forest Special Tax District to replace Mr. Rick Harris.

Councilmember Pinckney re-nominated Mr. Thomas M. Martin to the Berkeley County Water and Sanitation Appeals Board.

Councilmember Charles Davis re-nominated Mr. Elijah McCants to the Berkeley County Planning Commission.

Chairman Rozier explained the reason he was asking for legal advice on the two earlier nominations was because when you appoint someone that already holds another appointment, they automatically give up the first appointment upon appointment to the second Commission or Board. He wanted to check on that to make sure that it did not cause anyone a problem.

Upon clarification by the Clerk of Council, Chairman Rozier reported that there are eight (8) members on the Accommodations Tax Advisory Commission. However, the eight (8) members have to meet certain criteria.

Councilmember Spooner nominated Mr. Johnny W. Baxley to the Pimplico Special Tax District.

The nominations passed by unanimous voice vote of Council.

UNFINISHED BUSINESS:

1. Oakley Plantation Building

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to extend the bid for 60 additional days. The motion passed by unanimous voice vote of Council.

2. Funding of expenses incurred from investigative work on additional County Office Facility.

Ms. Kace Smith explained that the Finance Department is aware that there will be expenses incurred for this investigation. Instead of having to come to Council every time a bill comes due for this process, this would set up a fund to pay these bills.

Chairman Rozier clarified the expenses would only be on items that were approved by Council, i.e. the roof inspection.

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to approve setting up a department and funds for the investigative work on additional County Office Facility.

3. New Hope/Lebanon EMS site.

Chairman Rozier stated the County would like to enter into a contract for property located on Hwy 176 at 2355 State Road. The cost is \$55,000, which includes a 2002 mobile home. Building and site work would be \$85,000, which includes restoration, building a garage for the facility, site work, well, septic tank, etc. Furnishings for the facility would be \$10,000. The Emergency Response Vehicle cost would be \$50,000. Estimated total cost of \$200,000. Budgeted for this project was \$225,000; and would allow the County to complete this project \$25,000 under budget.

It was moved by Councilmember Pinckney and seconded by Councilmember Steve Davis to approve the contract for the land and additional expenses as stated for the New Hope/Lebanon EMS site at a total cost of \$200,000. The motion passed by unanimous voice vote of Council.

NEW BUSINESS:

“RESOLUTION APPROVING AN EXTENSION OF TIME OF THE INVESTMENT PERIOD UNDER THE EXISTING FEE-IN-LIEU OF TAXES ARRANGEMENT BETWEEN E.I. DUPONT DE NEMOURS AND COMPANY AND BERKELEY COUNTY.”

It was moved by Councilmember Crosby and seconded by Councilmember Charles Davis to adopt the Resolution as presented. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-05 is attached to these minutes.)

“RESOLUTION TO ADOPT THE PROPOSED POSITION CLASSIFICATION SYSTEM.”

Councilmember Spooner asked that the motion include no reclassifications within the first year.

Ms. Marie Wauben, Human Resource Director, stated the system would go into effect April 20, 2003.

It was moved by Councilmember Crosby and seconded by Councilmember Pinckney to adopt the Resolution including the contingency that no reclassifications are given within the first year of enactment. The motion was passed by a unanimous vote of Council. (A copy of Resolution No R 03-06 is attached to these minutes.)

Chairman Rozier stated that Ms. Wauben would be in contact with each Department Director and Elected Official to provide them with information as to how the Position Classification System would effect their departments.

Sangaree Audit:

Councilmember Spooner asked what would be the cost of the requested audit for the Sangaree Special Tax District?

Ms. Kace Smith indicated the audit would be between \$6000 – 7500 depending on the work required. This is a 3 ½ year period, retroactive.

It was moved by Councilmember Spooner to approve the cost of auditing the Sangaree Special Tax District to be funded by Sangaree Special Tax District. The motion passed by unanimous voice vote of Council.

Councilmember Charles Davis asked if this would be the same sort of audit that the County gets?

Chairman Rozier explained it would include what the company deemed necessary. The same firm that does the Berkeley County Audit would conduct the audit.

ANNOUNCEMENTS

The FEBRUARY 2003, Regular Meeting of Berkeley County Council will be held on MONDAY FEBRUARY 24TH, 2003, in THE ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C., at 7:00 P.M.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to adjourn the Regular Meeting of Council. The motion was passed by unanimous voice vote of Council.

The meeting was adjourned at 9:10 p.m.

PUBLIC DISCUSSION:

Mr. Kenneth Deese, 250 Friendship Circle, Pineville.

Mr. Deese introduced himself as a member of the Cross Recreation Department, and thanked Council for upgrading the Spiers Landing. Especially Mr. Pinckney for his hard work and determination in this endeavor. He indicated they appreciate the \$7000 grant given by Berkeley County. Berkeley Electric Cooperative, Santee Cooper, South Carolina Electric and Gas, and Berkeley High School in the form of materials and labor. Spiers Landing has a boat landing, a pier, playground equipment, swimming area, bathhouse, picnic sheds, tennis and with the help of the community and all mentioned above they are in the process of building football and baseball fields equipped with lights. He again thanked County Council for their support.

Councilmember Pinckney stated that these statements were coming from the heart of Mr. Deese. He and others have been working diligently to restore Spiers Landing. Mr. Pinckney thanked the Cross Recreation Department for all the help received from them.

S/Barbara B. Austin
Clerk of Council

February 24, 2003
Date Approved

The REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL to be held on Monday January 27, 2003, is scheduled to begin at 7:00 P.M., in the ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.

ADDENDUM:

RESOLUTIONS:

5. Resolution designating surplus property of Berkeley County and authorizing the disposal of the surplus property.
[Recommended by Committee on Public Works and Purchasing]

January 24, 2003
S/Barbara B. Austin
Clerk of County Council

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on Monday January 27, 2003, is scheduled to begin at 7:00 P.M., in the **ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.**

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES:

Public Hearings Bills Numbered: 02-56, 02-57, 02-58, 02-59,
02-60, 02-61, 02-62, 02-63 and 02-64
Regular Council Meeting

December 16, 2002
December 16, 2002

PUBLIC DISCUSSION - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

THIRD READING:

1. **Bill No. 02-54**, an Ordinance to amend Section II of Ordinance No. 99-7-41 regarding permits, fees, inspections, and licenses; to amend Section IV of Ordinance No. 99-7-41 regarding the maximum penalty for violations of the building code.
[Recommended by Committee on Planning and Development]
2. **Bill No. 02-65**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Ted E. Andrae for W. B. Cox & Lorraine

Easterby, 1094 Clements Ferry road, Cainhoy, TMS 263-00-03-032 (a 7 acre portion, 29.86 acres total), from R-2, Manufactured Residential District, to GC, General Commercial District. Council District No. 2.

[Recommended by Committee on Land Use]

3. **Bill No. 02-66**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Gralin Hampton, 1737 North Main Street, Summerville, TMS #221-16-01-017 (2.5 acres), from 01, Office and Institutional District, to GC, General Commercial District. Council District No. 4.

[Recommended by Committee on Land Use]

4. **Bill No. 02-67**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Marea B. Matthews, Trustee, 2963 North Main Street, Moncks Comer, TMS #210-00-00-076 (0.50 acre), from R-2, Manufactured Residential district, to GC, General Commercial District. Council District No. 6.

[Recommended by Committee on Land Use]

5. **Bill No. 02-68**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Johnnie B. Capers for Jerry & Regenia Capers, 1116 Old Gilliard Road, Ridgeville, TMS #175-00-01-054 (2 acres), from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District. Council District No. 7.

[Recommended by Committee on Land Use]

6. **Bill No. 02-69**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Benjamin D. Villeponteaux, 2779 Highway 402, Cordesville, TMS # 184-00-00-014 (a .09 portion, 1 acre total), from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District. Council District No. 8.

[Recommended by Committee on Land Use]

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

1. **Bill No. 02-70**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Patillo Construction Company, Inc. for Gwinnett Industries, Inc., Cypress Gardens Road, Moncks Comer, TMS #211-00-02-075 (a 8.3 acre portion, 433.63 acres total), from III, Heavy Industrial District, and for Dekalb Apartments, Inc., Cypress Gardens Road, TMS #211-00-02-062 (438.7 acres), from F-1, Agricultural District, to R-1, Single Family

[Recommended by Committee on Land Use]

2. **Bill No. 02-71**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Mt. Holly Associates, LLC, Mt. Holly Road at U. S. Hwy 176, Goose Creek, TMS #234-00-00-011 (17.83 acres), and TMS #234-00-00-136 (7.23 acres), from PDMU, Planned Development, Mixed Use Development District, to GC, General Commercial District. Council District No. 3.
[Recommended by Committee on Land Use]

3. **Bill No. 02-72**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Berkeley Investments Company, Inc., South Live Oak Drive, Moncks Comer, TMS #161-00-02-076 (a 17.42 acre portion, 76.04 acres total), from PDMU, Planned Development-Mixed Use Development District, to GC, General Commercial District. Council District No. 6.
[Recommended by Committee on Land Use]

4. **Bill No. 02-73**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Berkeley Industrial Developers, Lazy Hill Road and Cypress Gardens Road, Moncks Comer, TMS #210-00-00-047 (a 54.82 acre portion, 199.14 acres total), from HI, Heavy Industrial District, and R-2, Manufactured Residential District to R-1, Single Family District. Council District No. 6.
[Recommended by Committee on Land Use]

5. **Bill No. 02-74**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: John W. and Miriam A. Mitchum, Highway 17-A, Moncks Comer, TMS #123-00-02-030 (2.06 acres), from F-1, Agricultural District, to GC, General Commercial. Council District No. 8.
[Recommended by Committee on Land Use]

6. **Bill No. 02-77**, an Ordinance to develop a jointly owned and operated industrial/business park in conjunction with Orangeburg County, such Industrial/Business Park to be geographically located in Berkeley and Orangeburg Counties and established pursuant to South Carolina Code of Laws of 1976 §4-1-170, et sequitur, as amended; to provide for a written agreement with Orangeburg County providing for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem tax to the counties and relevant taxing entities; and, to provide that jobs tax credits allowed by law be provided for industries locating in said park, and to permit a user fee in lieu of ad valorem taxation.
[Recommended by Committee on Finance]

7. **Bill No. 02-78**, An Ordinance authorizing the issuance of not exceeding \$35,850,000 principal amount Berkeley County, South Carolina Pollution Control Refunding Revenue Bonds (South Carolina Generating Company, Inc. project), pursuant to Chapter 3, Title 48, volume 16, Code of Laws of South Carolina 1976, as amended; the execution and delivery of a loan agreement, a bond trust indenture, a bond purchase agreement, a tax compliance agreement and other documents related thereto in connection therewith; approving the execution and distribution of an official statement; authorizing the proper officers to do all things necessary or advisable in connection with the foregoing; and other matters incidental thereto.

[Recommended by Committee on Finance]

FIRST READING:

1. **Bill No. 03-1**, An Ordinance authorizing and providing for the issuance of Water and Sewer System Revenue Bonds of Berkeley County, South Carolina; prescribing the form of bonds; limiting the payment of the bonds solely to the net revenues derived from the operation of the system and pledging the revenues to such payment; creating certain funds and providing for payments into such funds; and making other covenants and agreements in connection with the foregoing.

[Recommended by Committee on Finance]

2. **Bill No. 03-2**, First Supplemental Ordinance providing for the issuance and sale of Berkeley County, South Carolina, Water and Sewer System Revenue Bonds, series 2003, in the principal amount of not exceeding \$130,000,000; prescribing the form and details of such bonds; and other matters relating thereto.

[Recommended by Committee on Finance]

3. **Bill No. 03-3**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Gary and Laurie O'Neill, 326 Garbar Lane, Moncks Corner, TMS #197-00-02-022 (4.33 acres), and 197-00-02-026 (1.83 acres), from R-2, Manufactured Residential District, to F-1, Agricultural District. Council District No. 3.

[Recommended by Committee on Land Use]

4. **Bill No. 03-4**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Thomas and Jennifer Thielen, 587 College Park Road, Ladson, TMS #242-04-01-047 (1 lot), from R-1, Single Family Residential District, to GC, General Commercial District. Council District No. 5.

[Recommended by Committee on Land Use]

5. **Bill No. 03-5**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: James W. Lewis, Jr., 2172 North Highway 17-A, Bonneau, TMS #087-00-07-025 (a .71 acre portion, 2.51 acres total), and 087-00-07-086 (one lot), from F-1, Agricultural District, to GC, General Commercial District. Council District No. 6.

[Recommended by Committee on Land Use]

6. **Bill No. 03-6**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Robert Mead, 1026 Hunt Club Road, Moncks Corner, TMS #164-00-02-045 (2,812.23 acres), from R-15, Preservation Residential District, to F-1, Agricultural District. Council District No. 8.

[Staff recommended approval]

[Planning Commission recommended approval]

RESOLUTIONS:

1. **RESOLUTION** providing for the Transfer of Funds in the 2002-2003 Berkeley County Budget for County Purposes other than as specified in said Budget.
[Recommended by Committee on Finance]

2. **RESOLUTION** further establishing policies for the use of credit cards, financial institution accounts, and financial services by county employees and elected and appointed officials.
[Recommended by Committee on Finance]

3. **RESOLUTION** further clarifying the County policy regarding travel and expense reimbursement for elected officials.
[Recommended by Committee on Finance]

4. **RESOLUTION** to appoint and commission an additional code enforcement officer for the proper security, general welfare, and convenience of Berkeley County.
[Recommended by Committee on Human Services]

ADDENDUM:

5. **RESOLUTION** designating surplus property of Berkeley County and authorizing the disposal of the surplus property.
[Recommended by Committee on Public Works and Purchasing]

ADD WITHOUT OBJECTION:

6. **RESOLUTION** authorizing the County Supervisor to negotiate and execute a lease agreement between Santee Properties L.L.C. and Berkeley County for the premises located at 1104 South Main Street, St. Stephen, South Carolina.

REPORTS FROM STANDING COMMITTEES:

1. Committee on Finance.
Councilmember, Mr. Dennis L. Fish, Chairman.
2. Committee on Land Use.
Councilmember, Mr. Milton Farley, Chairman.
3. Committee on Public Works and Purchasing.
Councilmember, Caldwell Pinckney, Jr., Chairman.
 1. Berkeley County Water & Sanitation Authority:
Contract for preparation of Master Water Plant.

2. Sheriff's Department:
Sole Source Purchase.
4. Committee on Justice and Public Safety.
Councilmember, Mrs. Judy C. Mims, Chairman
5. Committee on Water and Sanitation.
Councilmember, Mr. Steve C. Davis, Chairman.
6. Committee on Planning and Development.
Councilmember, Mr. Charles E. Davis, Chairman.
7. Committee on Community Services.
Councilmember, Mrs. Judith K. Spooner, Chairman.
 1. Letter in support of Library Services Technology Act.
8. Committee on Human Services.
Councilmember, Mr. William E. Crosby, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

BERKELEY-CHARLESTON-DORCHESTER RTMA
CHARLESTON NAVAL COMPLEX REDEVELOPMENT AUTHORITY
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
GOOSE CREEK RECREATION COMMISSION
HOUSING BOARD OF ADJUSTMENTS AND APPEALS
PIMLICO SPECIAL TAX DISTRICT ADVISORY BOARD
Johnnie W. Baxley, Jr. – District No. 2
PLANNING COMMISSION
SPIERS LANDING COMMISSION
WATER AND SANITATION APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

1. Oakley Plantation Buildings
2. Funding of expenses incurred from investigative work on additional County Office Facility.
3. New Hope/Lebanon EMS site.

NEW BUSINESS

1. A **RESOLUTION** approving an extension of time of the investment period under the existing Fee-In-Lieu of Taxes arrangement between E. I. Dupont de Nemours and Company and Berkeley County.

2. A **RESOLUTION** to adopt the proposed Position Classification System.

ANNOUNCEMENTS

The FEBRUARY 2003, Regular Meeting of Berkeley County Council will be held on MONDAY FEBRUARY 24TH, 2003, in THE ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C., at 7:00 P.M.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

January 22, 2003
S/Barbara B. Austin
Clerk of County Council